

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16711 of 2020

Arising Out of PS. Case No.-240 Year-2019 Thana- SABAUR District- Bhagalpur

1. ABHIMANYU KUMAR DAS @ ABHIMANYU @ ABHIMANYU HARIJAN S/o Late Arjun Harijan @ Arjun Das Resident of Village- Bishanpur Jicho, P.S.- Lodipur, Distt- Bhagalpur
2. Bablu Harijan @ Bablu Das S/o Late Arjun Harijan @ Arjun Das Resident of Village- Bishanpur Jicho, P.S.- Lodipur, Distt- Bhagalpur

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal
For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-09-2020 This case has been heard through video-conferencing.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in Sabour P.S. case No. 240 of 2019 registered for the offences punishable under Section 302 of the Indian Penal Code pending in the Court of learned A.C.J.M.-XI, Bhagalpur.

The prosecution case, in brief, is that informant's father-in-law, who was present Mukhiya of Fatehpur Panchayat, on 05.08.2019 had gone out from home and did not return till whole night. A search was made and in course of



search on 06.08.2019 at 6:30 AM her *Fufera Sasur* Mukesh Das informed her on mobile phone that her father-in-law Ravindra Das has been murdered by someone by pricking knife on his neck and his dead body is lying in Pathra Bahiyar beside the road in Sardho. Therafter, she along with other family members proceeded for the place of occurrence and found the dead body of her father-in-law.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case at the instance of their enemies. Petitioners are not named in the F.I.R. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. No incriminating article has been recovered from the conscious physical possession of the petitioners. On the basis of confessional statement of one Meena Devi petitioners' has been falsely implicated in this case. There is no eye witness of the occurrence. The said Meena Devi has been enlarged on regular bail by a co-ordinate bench of this court vide order dated 08.06.2020 passed in Cr. Misc. No. 6352 of 2020. Petitioners have no criminal antecedent.

Per contra, learned APP for the State vehemently



opposing the bail petition submitted that the allegations levelled against the petitioners is serious in nature, hence they do not deserve anticipatory bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected. However, the petitioners are directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J.)

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